

JEFFREY N. LABOVITCH (NBN 10915)  
NICOLAIDES FINK THORPE  
MICHAELIDES SULLIVAN LLP  
4225 Executive Square, Suite 1250  
La Jolla, CA 92037  
Telephone: (858) 257-0700  
Facsimile: (858) 257-0701

JUSTIN J. BUSTOS (NBN 10320)  
JBustos@dickinsonwright.com  
DICKINSON WRIGHT PLLC  
100 West Liberty Street, Suite 940  
Reno, Nevada 89501-1991  
Telephone: (775) 343-7500  
Facsimile: (844) 670-6009

*Designated solely for personal service  
pursuant to District of Nevada LR IA 11-1(b)*

Attorneys for Plaintiff  
EVANSTON INSURANCE COMPANY

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

EVANSTON INSURANCE COMPANY, a  
company organized under the laws of the  
State of Illinois,

Plaintiff,

vs.

AFFINITYLIFESTYLES.COM, INC. d/b/a  
REAL WATER, a Nevada Corporation et al.,

Defendants.

Case No.: 2:25-cv-00670-CDS-EJY

**STIPULATION AND ORDER TO  
EXTEND TIME TO ANSWER**

**(SECOND REQUEST)**

1 Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure and Rule IA 6-1  
2 of this Court's Local Rules, Plaintiff Evanston Insurance Company ("Evanston" or  
3 "Plaintiff"), through undersigned counsel, hereby stipulate and agree as follows:

4 Plaintiff filed its Complaint in Interpleader on April 14, 2025. ECF No. 1.

5 Among other parties named as defendants to the Complaint, Plaintiff named  
6 Nevada Beverage Company ("NBC" or "Defendant") which it caused to be served with  
7 a copy of the Summons and Complaint via personal service on May 6, 2025.

8 The current deadline for Defendant to respond to Plaintiff's Complaint which was  
9 initially extended for 30 days by stipulation is June 26, 2025.

10 On May 22, 2025, counsel for both Evanston and NBC agreed to a 30-day  
11 extension of time for NBC to respond to Evanston's Interpleader Complaint. At that  
12 time, a first stipulated request for a 30-day extension of time was submitted and  
13 entered as an order of this Court. [ECF No. 92.]

14 The parties continue to discuss a proposed disclaimer of interest from NBC  
15 which would result in a stipulation of dismissal of NBC from this action. A further  
16 extension of 30 days is needed to enable the parties to finalize their ongoing  
17 negotiations over the proposed course of action. It would therefore be in the parties'  
18 best interest to continue their discussions concerning this matter without the immediate  
19 deadline of NBC's response to the Interpleader Complaint.

20 Under Federal Rule of Civil Procedure 6(b), a court may, "for good cause,"  
21 extend a deadline if a request is made "before the original time or its extension  
22 requires." Fed. R. Civ. P. 6(b)(1)(A); see also Local Rule IA 6-1(a). The Ninth Circuit  
23 has equated good cause with the exercise of due diligence. *See Johnson v. Mammoth*  
24 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). Good cause exists here because  
25 counsel has been diligent in coordinating with each other, requesting the information  
26 necessary to respond to Plaintiff's allegations, and investigating the possibility of a  
27 dismissal. Additional time is needed for counsel to finalize their negotiations.

28 / / /

1 Accordingly, the parties, through undersigned counsel, submit this stipulation to  
2 a further 30-day extension from June 26, 2025, to July 28, 2025, for Defendant NBC to  
3 file a response to the Interpleader Complaint. This is the second request for an  
4 extension of time.

5 This stipulated request is filed in good faith and not for the purposes of undue  
6 delay.

7 Respectfully submitted this 26th day of June 2025.

8 TIFFANY & BOSCO P.A.

NICOLAIDES FINK THORPE  
MICHAELIDES SULLIVAN LLP

9  
10 /s/ Krista J. Nielson

KRISTA J. NIELSON  
Nevada Bar No. 10698  
10100 W. Charleston Blvd., Suite 220  
Las Vegas, NV 89135  
Attorney for Defendant  
NEVADA BEVERAGE CO.

/s/ Jeffrey N. Labovitch

JEFFREY N. LABOVITCH  
Nevada Bar No. 10915  
4225 Executive Square, Suite 1250  
La Jolla, CA 92037  
Attorney for Plaintiff  
EVANSTON INSURANCE COMPANY

11  
12  
13  
14  
15  
16 **IT IS SO ORDERED:**  
17  
18

19  
20   
United States Magistrate Judge

21 Dated: June 26, 2025  
22  
23  
24  
25  
26  
27  
28